

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 139, AFL-CIO,**

Plaintiff,

Case No. 05-C-911

-vs-

**THOMAS KROLL, individually and d/b/a
KROLL'S EXCAVATING,**

Defendant.

ORDER

This matter coming to be heard on the Motion of Plaintiff, by its attorney, it appearing to the Court that the Defendant having been regularly served with process and having failed to appear, plead or otherwise defend, the Court, first being fully advised in the premises, finds:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement referred to in Plaintiff's Complaint.
3. The Defendant is obligated to proceed to arbitration over a grievance filed by the Plaintiff on or about April 12, 2005 and not resolved by the parties.
4. The Defendant is in default by having failed to appear, plead or otherwise defend pursuant to the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The Defendant is bound by the terms of its collective bargaining agreement with Plaintiff, International Union of Operating Engineers, Local 139, AFL-CIO;
2. This Court enters default against Defendant.
3. The Defendant submit to arbitration over the grievance filed by Plaintiff International Union of Operating Engineers, Local 139, AFL-CIO, on or about April 12, 2005, submitting to the procedures of the Federal Mediation and Conciliation Service, as required by the parties' collective bargaining agreement within thirty (30) days of the entry of this Order.
4. Defendant is hereby ordered to pay court costs in the amount of \$315.00;
and
5. The Court retains jurisdiction of this cause and all the parties hereto for the purpose of enforcing this Order.

SO ORDERED:

DATED: September 30, 2005

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge

**Default Judgment entered this
30th day of September, 2005.**

SOFRON B. NEDILSKY
Clerk of Court

By: s/ Linda M. Zik
Deputy Clerk